

SENATE No. 1495

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to firearms and firearms violence.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

Norfolk and Middlesex

SENATE No. 1495

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1495) of Cynthia Stone Creem for legislation relative to firearms and firearms violence. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1563 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to firearms and firearms violence.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 29 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting after section 200000, the following new section:-

3 2PPPPP. There is hereby established and set up on the books of the commonwealth a
4 separate fund to be known as the Violence Prevention Trust Fund. Amounts credited to such
5 fund shall be available, without further appropriation, to the executive office of health and
6 human services who shall utilize such funds to establish an annual municipal grant program to
7 support local programs targeted at reducing youth violence and gun violence.

8 SECTION 2. Section 2 of Chapter 64H of the General Laws, as so appearing, is hereby
9 amended by adding the following new paragraph:-

10 In addition to all other rates of tax provided herein, an additional surcharge of 4.75
11 percent shall be imposed on sales at retail of all ammunition, rifles, shotguns, firearms or parts
12 thereof, as those terms are defined in section 121 of chapter 140, in the Commonwealth. All
13 revenues received from such surcharge, together with any penalties, forfeitures, interest, costs of
14 suits and fines collected in connection therewith, less all amounts refunded or abated in
15 connection therewith, all as determined by the commissioner of revenue according to his best
16 information and belief, shall be credited to the Violence Prevention Trust Fund established
17 pursuant to section 2PPPPP of chapter 29 of the General Laws.

18 SECTION 3. Section 2 of Chapter 64I of the General Laws, as so appearing, is hereby
19 amended by adding the following new paragraph:-

20 In addition to all other rates of tax provided herein, an additional surcharge of 4.75
21 percent shall be imposed on the storage, use or other consumption of ammunition, rifles,
22 shotguns, firearms or parts thereof, as those terms are defined in section 121 of chapter 140,
23 purchased from any vendor or manufactured, fabricated or assembled from materials acquired
24 either within or outside the commonwealth for storage, use or consumption within the
25 commonwealth. All revenues received from this surcharge, together with any penalties,
26 forfeitures, interest, costs of suits and fines collected in connection therewith, less all amounts
27 refunded or abated in connection therewith, all as determined by the commissioner of revenue
28 according to his best information and belief, shall be credited to the Violence Prevention Trust
29 Fund established pursuant to section 2PPPPP of chapter 29 of the General Laws.

30 SECTION 4. Chapter 140 of the general laws, as so appearing is hereby amended by
31 inserting after section 123, the following new section:

32 Section 123A. Notwithstanding any other provision of this chapter, law or regulation to
33 the contrary, it shall be unlawful to sell, purchase, rent, lease or possess a .50 BMG rifle or .50
34 BMG cartridge. Any person violating this section shall be punished by a fine of not less than
35 \$1,000 nor more than \$10,000, or by imprisonment for not less than 1 year nor more than 10
36 years, or by both such fine and imprisonment. For purposes of this section the following words
37 shall have the following meanings:-

38 ".50 BMG cartridge" means a cartridge that is designed and intended to be fired from a
39 center fire rifle and that meets all of the following criteria:

- 40 (a) It has an overall length of 5.54 inches from the base to the tip of the bullet.
- 41 (b) The bullet diameter for the cartridge is from .510 to, and including, .511 inch.
- 42 (c) The case base diameter for the cartridge is from .800 inch to, and including, .804 inch.
- 43 (d) The cartridge case length is 3.91 inches.

44 ".50 BMG rifle" means a center fire rifle that can fire a .50 BMG cartridge and is not
45 already an assault weapon or a machinegun. It shall not include any antique firearm, nor any
46 curio or relic as defined in Section 478.11 of Title 27 of the Code of Federal Regulations.

47 The provisions of this section shall not apply to (i) any officer, agent or employee of the
48 commonwealth or any state or the United States; (ii) any member of the military or other service
49 of any state or of the United States; (iii) any duly authorized law enforcement officer, agent or
50 employee of any municipality of the commonwealth; provided, however, that any such person
51 described in clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or
52 possess the weapon so carried or possessed and is acting within the scope of his duties.

53 SECTION 5. Section 128A of chapter 140 of the General Laws, as so appearing, is
54 hereby amended by striking the in lines 27-36 following 2 sentences:- “Any sale or transfer
55 conducted pursuant to this section shall comply with section 131E and shall, prior to or at the
56 point of sale, be conducted over a real time web portal developed by the department of criminal
57 justice information services. The department of criminal justice information services shall
58 require each person selling or transferring a firearm, shotgun or rifle pursuant to this section to
59 electronically provide, though the portal, such information as is determined to be necessary to
60 verify the identification of the seller and purchaser and ensure that the sale or transfer complies
61 with this section.” and inserting in place thereof the following 2 sentences:- “Any sale or transfer
62 conducted under this section shall comply with section 131E and shall take place at the location
63 of a dealer licensed under section 122, who shall transmit the information required by this
64 section for the purchases and sales by utilizing the electronic verification link established by the
65 commissioner of the department of criminal justice information services. A licensed dealer may
66 charge the seller a fee not to exceed \$25 for each sale or transfer electronically submitted on
67 behalf of the seller to the department of criminal justice information services.”

68 SECTION 6. Section 131 of said chapter 140, is hereby amended in paragraph (b) by
69 adding in line 29 after the words “or by such other person” the following words:- “over the age
70 of 16”.

71 SECTION 7. Section 131½ of chapter 140 of the General Laws, as appearing in the 2020
72 official edition, is hereby amended by inserting, after the words “police chiefs association” the
73 following new language:-“, one of whom shall be the attorney general or a designee”.